

**SEMINOLE COUNTY GOVERNMENT  
LAND PLANNING AGENCY / PLANNING AND ZONING COMMISSION  
AGENDA MEMORANDUM**

**SUBJECT:** Tuskawilla Road Small Scale Land Use Amendment from LDR (Low Density Residential) to Office; and Rezone from A-1 (Agriculture District) to OP (Office Professional)

**DEPARTMENT:** Planning & Development **DIVISION:** Planning

**AUTHORIZED BY:** Matthew West **CONTACT:** Tina Deater **EXT** 7440

**Agenda Date** 11/03/04 **Regular** ☐ **Work Session** ☐ **Briefing** ☐  
**Special Hearing – 6:00** ☐ **Public Hearing – 7:00** ☒

**MOTION/RECOMMENDATION:**

1. Recommend APPROVAL of the request for a Small Scale Land Use Amendment from LDR (Low Density Residential) to Office, and a Rezone from A-1 (Agriculture District) to OP (Office Professional District) on approximately 2.47 acres located on the west side of Tuskawilla Road, approximately 700 feet south of Willa Springs Drive, subject to the attached development order, site plan, and architectural rendering (Michael Craig, applicant); or
2. Recommend DENIAL of the request for a Small Scale Land Use Amendment from LDR (Low Density Residential) to Office, and a Rezone from A-1 (Agriculture District) to OP (Office Professional District) on approximately 2.47 acres located on the west side of Tuskawilla Road, approximately 700 feet south of Willa Springs Drive, subject to the attached development order, site plan, and architectural rendering (Michael Craig, applicant); or
3. CONTINUE the public hearing until a time and date certain.

District 1 – Commissioner Maloy

Tina Deater, Senior Planner

**BACKGROUND:**

The applicant, Michael Craig, is requesting approval of a Small Scale Land Use Amendment from Low Density Residential (LDR) to Office, and a Rezone from A-1 (Agriculture District) to OP (Office Professional District) for a three-building office complex, with a total of 15,400 square feet of office space. The applicant is also requesting a reduction of the required active buffer and setback adjacent to the south side of Building "C" from a 50' landscape buffer to a 25'

Reviewed by: \_\_\_\_\_

Co Atty: LR

DFS: \_\_\_\_\_

OTHER: \_\_\_\_\_

DCM: \_\_\_\_\_

CM: \_\_\_\_\_

File No. Z2004-019

05-04SS.02

landscape buffer and from 100' building setback to a 50' building setback.

**STAFF RECOMMENDATION:**

Staff recommends APPROVAL of the requested Small Scale Land Use Amendment from LDR to Office and rezone from A-1 to OP, subject to the attached development order, site plan, and architectural rendering.

**Attachments:**

Development Order  
Ordinances  
Locator Map  
Aerial Map

## Tuskawilla Road Rezone and Small Scale Land Use Amendment

<b>LDR (Low Density Residential) to Office and A-1 (Agricultural District) to OP (Office Professional District)</b>		<b>Amendment (05.04SS.02&amp; Z2004-019)</b>
<b>REQUEST</b>		
<b>APPLICANT</b>	Michael Craig, P.E.	
<b>PLAN AMENDMENT</b>	LDR (Low Density Residential) to Office	
<b>REZONING</b>	A-1 (Agriculture District) to OP (Office Professional District)	
<b>APPROXIMATE GROSS ACRES</b>	Approximately 2.47	
<b>LOCATION</b>	Located on the west side of Tuskawilla Road, approximately 700 feet south of Willa Springs Drive	
<b>BCC DISTRICT</b>	1 – Commissioner Maloy	
<b>RECOMMENDATIONS AND ACTIONS</b>		
<b>STAFF RECOMMENDATION</b>	Staff recommends APPROVAL of the requested Small Scale Land Use Amendment from LDR to Office and rezone from A-1 to OP subject to the attached development order, site plan, and architectural rendering	

### STAFF ANALYSIS & FINDINGS

1. **Property Owner:** Richard Rubinstein
2. **Tax Parcel Number of the Property to be Rezoned:** 24-21-30-300-0190-0000
3. **Background:**

The applicant, Michael Craig, is requesting approval of a Small Scale Land Use Amendment from Low Density Residential (LDR) to Office, and a Rezone from A-1 (Agriculture District) to OP (Office Professional District) for a three-building office complex, with a total of 15,400 square feet of office space. The applicant is also requesting a reduction of the required active buffer and setback adjacent to the south side of Building "C" from a 50' landscape buffer to a 25' landscape buffer, and from a 100' building setback to a 50' building setback. The Land Development Code requires



an active buffer for non-residential uses adjacent to properties that have a residential zoning or future land use designation. In this situation, the adjacent property to the south of Building "C" has a future land use designation of Low Density Residential. However, the property to the south adjacent to Building "C" is being operated as a veterinary clinic and has the same owner as the subject property. Therefore, staff supports the requested reduction in the active buffer and setback adjacent to Building "C", subject to the attached development order, site plan, and architectural rendering.

## ***SITE DESCRIPTION***

**1. EXISTING AND PERMITTED USES:** The Future Land Use and zoning of surrounding properties are as follows:

Location	Future Land Use*	Zoning*	Current Use
Site	LDR (Low Density Residential)	A-1 (Agriculture District)	Vacant Building
North	HDR (High Density Residential)	R-3 (Multiple-family Dwelling District)	Apartments
South	LDR (Low Density Residential)	R-1A (Single-family Dwelling District) and A-1 (Agriculture District)	Veterinary Hospital
East	LDR (Low Density Residential)	R-1A (Single-family Dwelling District), R-1AA (Single-family Dwelling District) and A-1 (Agriculture District)	Single-family Residential
West	LDR (Low Density Residential)	R-1A (Single-family Dwelling District)	Single-family Residential

*\*See enclosed future land use and zoning maps for more details.*

## ***COMPREHENSIVE PLAN CONSISTENCY***

**2. PLAN PROGRAMS** - Plan policies address the continuance, expansion and initiation of new government service and facility programs, including, but not limited to, capital facility construction. Each application for a land use designation amendment will include a description and evaluation of any Plan programs (such as the effect on the timing/financing of these programs) that will be affected by the amendment if approved.



**Summary of Program Impacts:** The proposed future land use and zoning amendments would not alter the options or long-range strategies for facility improvements or capacity additions included in the Support Documentation to the Vision 2020 Plan. The amendment request would not be in conflict with the Metroplan Transportation Plan or the Florida Department of Transportation's 5-Year Plan (Transportation Policy 14.1).

A. **Traffic Circulation - Consistency with Future Land Use Element:** *In terms of all development proposals, the County shall impose a linkage between the Future Land Use Element and the Transportation Element and all land development activities shall be consistent with the adopted Future Land Use Element (Transportation Policy 2.1).*

Access is available to the proposed office development from Tuskawilla Road, which is classified as a Minor Arterial. Tuskawilla Road has an adopted Level of Service (LOS) of "E". The existing LOS on this portion of the roadway is "C", based on daily traffic volume.

B. **Water and Sewer Service – Adopted Potable Water and Sanitary Sewer Service Area Maps:**

The subject property is located within the Seminole County water and sewer service areas. Water and sewer services are available to the site.

C. **Public Safety – Adopted Level of Service:** *The County shall maintain adopted levels of service for fire protection and rescue...as an average response time of five minutes (Public Safety Policy 2.1).*

The property is served by Seminole County Fire/EMS Services. Response time is less than 5 minutes, which meets the County's average response time standard of 5 minutes.

**3. REGULATIONS -** The policies of the Plan also contain general regulatory guidelines and requirements for managing growth and protecting the environment. These guidelines will be used to evaluate the overall consistency of the land use amendment with the Vision 2020 Plan, but are not applied in detail at this stage.

A. **Preliminary Development Orders: Capacity Determination:** *For preliminary development orders and for final development orders, under which no development activity impacting public facilities may ensue, the capacity of Category I and Category III public facilities shall be determined as follows...No rights to obtain final development orders under which development activity impacting public facilities may ensue, or to obtain development permits, nor any other rights to develop the subject property shall be deemed to have been granted or implied by the County's approval of the development order without a determination having previously been made that the capacity of public facilities will be available in accordance with law (Implementation Policies 2.3 and 2.4).*

A review of the availability of public facilities to serve this property indicates that adequate public facilities either exist or could be made available. By virtue of this determination, the proposed Plan amendment would create no adverse impacts to public facilities.

**B. Flood Plain and Wetlands Areas - Flood Plain Protection and Wetlands Protection:** *The County shall implement the Conservation land use designation through the regulation of development consistent with the Flood Prone (FP-1) and Wetlands (W-1) Overlay Zoning classifications...(Future Land Use Policies 1.2 and 1.3).*

A wetlands mitigation plan shall be required prior to final engineering approval for any proposed development on the subject property.

**C. Protection of Endangered and Threatened Wildlife:** *The County shall continue to require, as part of the Development Review Process, proposed development to coordinate those processes with all appropriate agencies and comply with the US Fish and Wildlife Service and the Florida Fish and Wildlife Conservation Commission Rules as well as other applicable Federal and State Laws regarding protection of endangered and threatened wildlife prior to development approval (Conservation Policy 3.13).*

A threatened and endangered species report shall be required prior to final engineering approval for any proposed development on the subject property.

**4. DEVELOPMENT POLICIES** – The comprehensive plan contains additional criteria and standards that describe when, where and how development should occur. Plan development policies will be used to evaluate the appropriateness of the use, intensity, location, and timing of the proposed amendment.

**A. Compatibility:** *When the County's Future Land Use Map (FLUM) was developed in 1987, land use compatibility issues were evaluated and ultimately defined through a community meeting/hearing process that involved substantial public comment and input. When amendments are proposed to the FLUM, however, staff makes an initial evaluation of compatibility, prior to public input and comment, based upon a set of professional standards that include, but are not limited to criteria such as: (a) long standing community development patterns; (b) previous policy direction from the Board of County Commissioners; (c) other planning principles articulated in the Vision 2020 Plan (e.g., appropriate transitioning of land uses, protection of neighborhoods, protection of the environment, protection of private property rights, no creation of new strip commercial developments through plan amendments, etc.).*

Based upon an initial evaluation, the proposed Office future land use, with the attendant Office Professional zoning request, would be compatible with surrounding land uses and is consistent with Plan policies identified at this time and thereby consistent with the Vision 2020 Plan. Office land use can be an appropriate transitional



land use between High Density Residential and Low Density Residential land uses according to FLU Exhibit 2 Appropriate Transitional Land Uses.

**Transitional Land Uses:** *The County shall evaluate plan amendments to ensure that transitional land uses are provided as a buffer between residential and non-residential uses, between varying intensities of residential uses, and in managing the redevelopment of areas no longer appropriate as viable residential areas. "Exhibit FLU: Appropriate Transitional Land Uses" is to be used in determining appropriate transitional uses. (Policy FLU 2.5)*

Other applicable plan policies include:

*FLU 2.1 Subdivision Standards.*

*FLU 4.2 Infill Development*

*FLU 5.5: Water and Sewer Service Expansion*

**B. Concurrency Review - Application to New Development:** *For purposes of approving new development subsequent to adoption of this Comprehensive Plan, all adopted public facilities level of service standards and schedules of capital improvements...shall be applied and evaluated...consistent with policies of the Implementation Element... (Capital Improvements Policy 3.2).*

This policy provides for the adoption of level of service (LOS) standards for public facilities and requires that final development orders be issued only if public facilities meeting the adopted LOS are available or will be available concurrent with the impacts of development. Additionally, preliminary development orders shall only be issued with the condition that no rights to obtain final development orders or development permits, nor any other rights to develop the subject property are granted or implied by the County's approval of the preliminary development order.

**STAFF RECOMMENDATION:**

Staff recommends APPROVAL of the requested Small Scale Land Use Amendment from LDR to Office and rezone from A-1 to OP, subject to the attached development order, site plan, and architectural rendering.



## SEMINOLE COUNTY DEVELOPMENT ORDER

On December 14, 2004, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Legal description attached as Exhibit A.

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

### FINDINGS OF FACT

Property Owner: Richard Rubinstein.  
212 Mortin Lane  
Winter Springs, FL 32708

Project Name: Tuskawilla Road (1484) Rezone A-1 to OP and Small Scale Land Use  
Amendment LDR to Office

Requested Development Approval: Rezoning from A-1 (Agriculture) to OP (Residential Professional)

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Tina Deater, Senior Planner  
1101 East First Street  
Sanford, Florida 32771

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

(1) The aforementioned application for development approval is GRANTED.

(2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.

(3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:

- a. All development shall comply with the conceptual site plan attached as Exhibit B.
- b. The exterior of the buildings shall be designed in accordance with the architectural drawings attached as Exhibit C.

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By: \_\_\_\_\_

Board of County Commissioners

## OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, Richard Rubinstein, Inc., on behalf of himself and his heirs, assigns, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

Witness

Richard Rubinstein

Print Name \_\_\_\_\_

Witness

Print Name \_\_\_\_\_

STATE OF FLORIDA )

COUNTY OF SEMINOLE )

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared, Richard Rubinstein, who is personally known to me or who has produced \_\_\_\_\_ as identification and who executed the foregoing instrument and sworn an oath.

WITNESS my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

Notary Public, in and for the County and State  
Aforementioned

My Commission Expires:



## EXHIBIT A LEGAL DESCRIPTION

### Legal Description

Beginning 710.0 feet North and 38.5 feet East of the Southeast corner of the Southwest 1/4 of the Southeast 1/4 of Section 24, Township 21 South, Range 30 East, said point being on the Westerly right-of-way of Tuskawilla Road; thence run Northerly along said Westerly right-of-way 250 feet to the center line of canal; thence West along the center line of canal 522.7 feet; thence South to a point being 522.7 feet West of the Point of Beginning; thence East to the Point of Beginning, all lying and being situate in Seminole County, Florida.

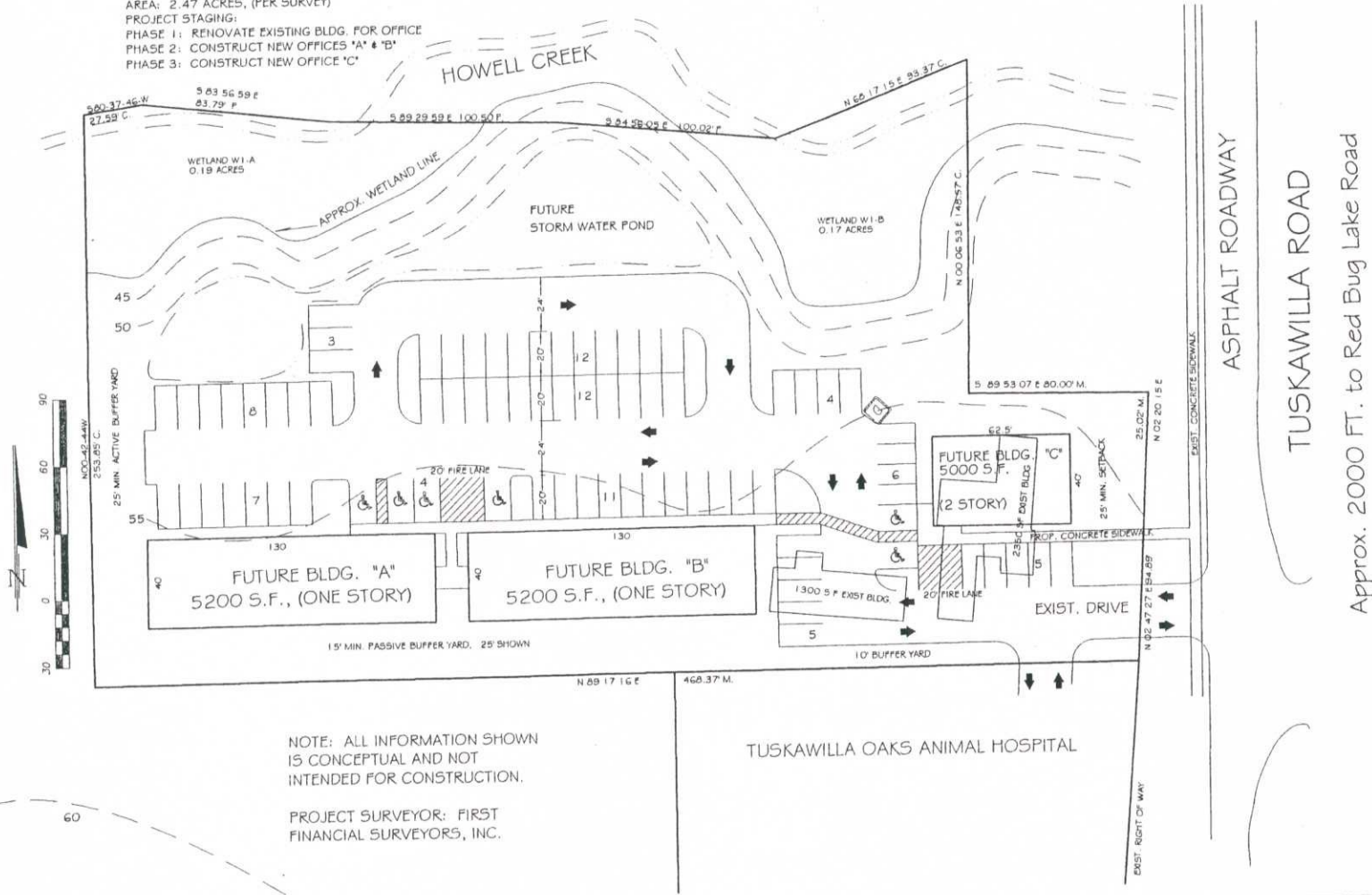
LESS AND EXCEPT: Commence at the Southeast corner of the Southwest 1/4 of the Southeast 1/4 of Section 24, Township 21 South, Range 30 East, Seminole County, Florida; thence run North 00°20'23" East along the East line of said Southwest 1/4 of the Southeast 1/4 a distance of 710.01 feet to the North line of the South 71.0 feet of said Southwest 1/4 of the Southeast 1/4; thence run South 89°18'04" East parallel with the South line of the Southeast 1/4 of said Section 24 a distance of 25.85 feet to the Point of Beginning on the existing West right-of-way line of Tuskawilla Road as shown on the right-of-way Map of Seminole County Project No. PS-041, Tuskawilla Road; thence run North 89°18'04" West 48.91 feet to a point on a curve concave Westerly, having a radius of 7580.53 feet and a chord bearing of North 02°24'10" East; thence run Northerly along the arc of said curve 94.89 feet through a central angle of 00°43'02"; thence run North 01°56'58" East 25.03 feet; thence run South 89°43'36" West 30.00 feet; thence run North 00°16'24" West 150.0 feet to the center line of Howell Creek and also the North boundary of the Parcel of land described in the Warranty Deed recorded in O.R. Book 1321 Page 1442, Public Records of Seminole County, Florida; thence run the following three courses and distances along said center line and the North boundary of said Parcel; run North 64°56'31" East, 19.51 feet; thence run South 55°42'06" East 68.00 feet; thence run North 64°56'31" East 29.37 feet to the West line of the Southeast 1/4 of the Southeast 1/4 of said Section 24 and said existing West right-of-way line of Tuskawilla Road; thence, departing the center line of Howell Creek and the North boundary of said Parcel run the following four courses and distances along said existing West right-of-way line; run North 00°20'23" East along said West line of the Southeast 1/4 of the Southeast 1/4 a distance of 26.45 feet to the South line of the North 1/2 of the North 1/2 of said Southeast 1/4 of the Southeast 1/4; thence run South 89°18'23" East along said South line of the North 1/2 of the North 1/2 of the Southeast 1/4 of the Southeast 1/4 a distance of 26.54 feet; thence run South 00°16'24" East 182.93 feet to a point on a curve concave Westerly, having a radius of 1248.24 feet and a chord bearing of South 01°55'24" West; thence run Southerly along the arc of said curve 95.72 feet through a central angle of 04°23'37" to the Point of Beginning, containing therein 23,976 square feet more or less.

Community Number: 12028; Panel: 0145

Suffix: E F.I.R.M. Date: 4/17/1995 Flood Zone: X

Field Work: 8/10/2000 Completed: 8/11/2000

NOTES:  
 EXISTING ZONING: A-1  
 PROP. ZONING O.P., OFFICE PROFESSIONAL  
 EXIST. LAND USE: VETERINARY HOSPITAL, (VACANT)  
 PROP. LAND USE: OFFICE  
 AREA: 2.47 ACRES, (PER SURVEY)  
 PROJECT STAGING:  
 PHASE 1: RENOVATE EXISTING BLDG. FOR OFFICE  
 PHASE 2: CONSTRUCT NEW OFFICES 'A' & 'B'  
 PHASE 3: CONSTRUCT NEW OFFICE 'C'



NOTE: ALL INFORMATION SHOWN  
 IS CONCEPTUAL AND NOT  
 INTENDED FOR CONSTRUCTION.

PROJECT SURVEYOR: FIRST  
 FINANCIAL SURVEYORS, INC.

REVISION	DATE
PER SEM. COUNTY REVIEW	9.10.04

ALLEN - CRAIG  
 CIVIL ENGINEERING, INC.  
 52 GRAHAM AVE.  
 OVIEDO, FLORIDA 32765  
 Phone: 407-977-8530 Fax: 407-977-8665

## TUSKAWILLA OAKS OFFICE SITE

REZONING & DEVELOPMENT PLAN

Date: MAR., 2004

Scale: 1" = 50'

TUSKAWILLA OAKS OFFICE SITE

REZONING &  
 DEVELOPMENT PLAN

APPLICANT: Dr. Richard Rubinstein, D.V.M.

David E. Allen, P.E.  
 P.E. No. 35752

Date

Michael S. Craig, P.E.  
 P.E. No. 28503

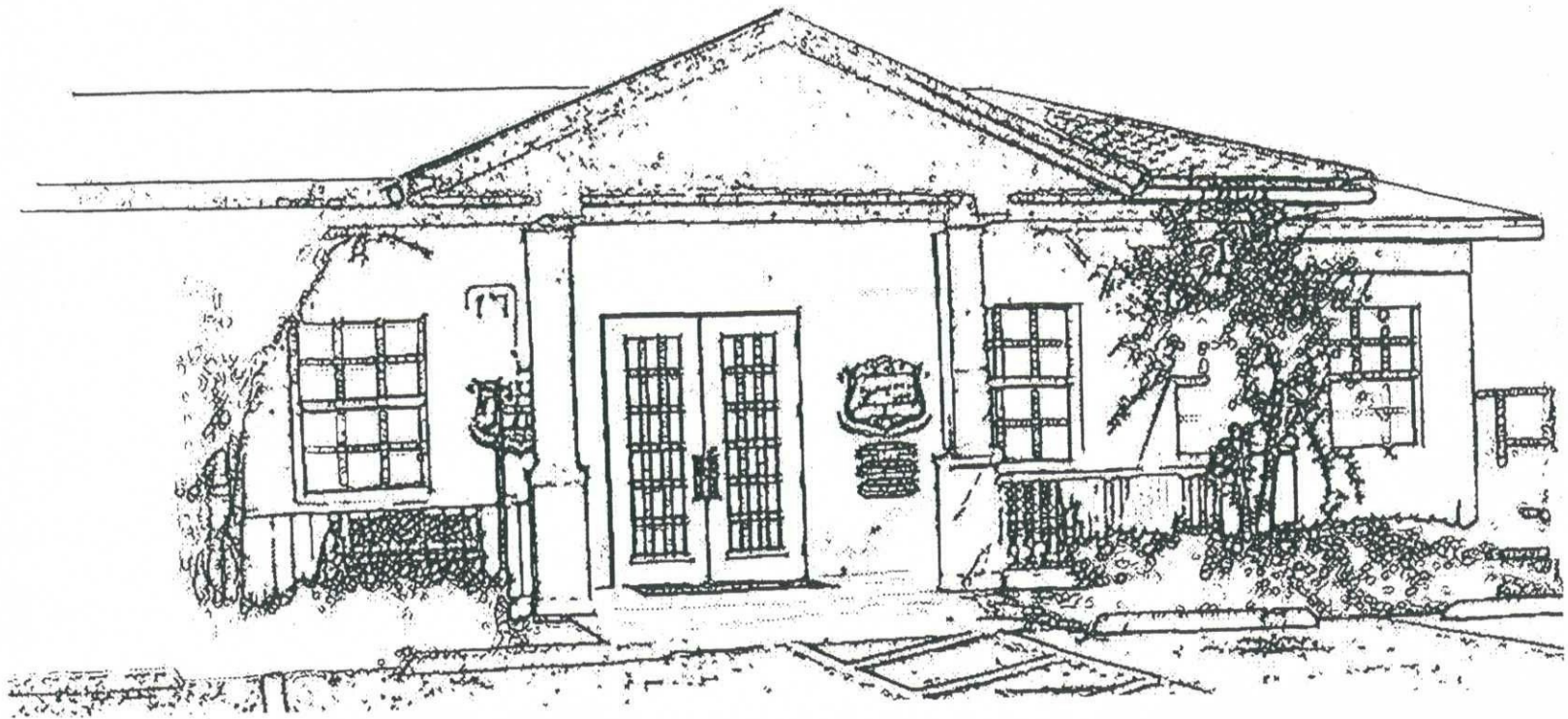
Date

9.10.04

Sheet No.

1 of 1





ARCHITECTURAL RENDERING  
(TUSKAWILLA OAKS ANIMAL HOSPITAL)



AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY (LENGTHY LEGAL DESCRIPTION ATTACHED AS EXHIBIT A); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE A-1 ZONING CLASSIFICATION THE OP ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

**Section 1. LEGISLATIVE FINDINGS.**

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the documents titled, "Tuskawilla Road Rezone and Small Scale Land Use Amendment."

(b) The Board hereby determines that the economic impact statement referred to by the Seminole County Home Rule Charter is unnecessary and waived as to this Ordinance.

**Section 2. REZONINGS.** The zoning classification assigned to the following described property is changed from A-1 to OP in accordance with the contents of the documents titled, "Tuskawilla Road Rezone and Small Scale Land Use Amendment" and Development Order # 04-20000005 :

**SEE ATTACHED EXHIBIT A**

**Section 3. CODIFICATION.** It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall not be codified.

**Section 4. SEVERABILITY.** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

**Section 5. EFFECTIVE DATE.** A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes, and this Ordinance shall be effective upon the date of filing with the Department and recording of Development Order # 04-20000005 in the Official Land Records of Seminole County.

ENACTED this 14th day of December, 2004.

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

By: \_\_\_\_\_

## EXHIBIT A LEGAL DESCRIPTION

### Legal Description

Beginning 710.0 feet North and 38.5 feet East of the Southeast corner of the Southwest 1/4 of the Southeast 1/4 of Section 24, Township 21 South, Range 30 East, said point being on the Westerly right-of-way of Tuskawilla Road; thence run Northerly along said Westerly right-of-way 250 feet to the center line of canal; thence West along the center line of canal 522.7 feet; thence South to a point being 522.7 feet West of the Point of Beginning; thence East to the Point of Beginning, all lying and being situate in Seminole County, Florida.

LESS AND EXCEPT: Commence at the Southeast corner of the Southwest 1/4 of the Southeast 1/4 of Section 24, Township 21 South, Range 30 East, Seminole County, Florida; thence run North 00°20'23" East along the East line of said Southwest 1/4 of the Southeast 1/4 a distance of 710.01 feet to the North line of the South 710 feet of said Southwest 1/4 of the Southeast 1/4; thence run South 89°18'04" East parallel with the South line of the Southeast 1/4 of said Section 24 a distance of 25.85 feet to the Point of Beginning on the existing West right-of-way line of Tuskawilla Road as shown on the right-of-way Map of Seminole County Project No. PS-041, Tuskawilla Road; thence run North 89°18'04" West 48.91 feet to a point on a curve concave Westerly, having a radius of 7580.53 feet and a chord bearing of North 02°24'10" East; thence run Northerly along the arc of said curve 94.89 feet through a central angle of 00°43'02"; thence run North 01°56'58" East 25.03 feet; thence run South 89°43'36" West 30.00 feet; thence run North 00°16'24" West 150.0 feet to the center line of Howell Creek and also the North boundary of the Parcel of land described in the Warranty Deed recorded in O.R. Book 1321 Page 1442, Public Records of Seminole County, Florida; thence run the following three courses and distances along said center line and the North boundary of said Parcel; run North 64°56'31" East, 19.51 feet; thence run South 55°42'06" East 68.00 feet; thence run North 64°56'31" East 29.37 feet to the West line of the Southeast 1/4 of the Southeast 1/4 of said Section 24 and said existing West right-of-way line of Tuskawilla Road; thence, departing the center line of Howell Creek and the North boundary of said Parcel run the following four courses and distances along said existing West right-of-way line; run North 00°20'23" East along said West line of the Southeast 1/4 of the Southeast 1/4 a distance of 26.45 feet to the South line of the North 1/2 of the North 1/2 of said Southeast 1/4 of the Southeast 1/4; thence run South 89°18'23" East along said South line of the North 1/2 of the North 1/2 of the Southeast 1/4 of the Southeast 1/4 a distance of 26.54 feet; thence run South 00°16'24" East 182.93 feet to a point on a curve concave Westerly, having a radius of 1248.24 feet and a chord bearing of South 01°55'24" West; thence run Southerly along the arc of said curve 95.72 feet through a central angle of 04°23'37" to the Point of Beginning, containing therein 23,976 square feet more or less.

Community Number: 12028; Parcel: 0145

Suffix: E F.I.R.M. Date: 4/17/1995 Flood Zone: X

Field Work: 8/10/2000 Completed: 8/11/2000



**AN ORDINANCE AMENDING THE SEMINOLE COUNTY COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE MAP OF THE SEMINOLE COUNTY COMPREHENSIVE PLAN BY VIRTUE OF A SMALL SCALE DEVELOPMENT AMENDMENT; CHANGING THE FUTURE LAND USE DESIGNATION ASSIGNED TO CERTAIN PROPERTIES FROM LOW DENSITY RESIDENTIAL TO OFFICE; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM THE SEMINOLE COUNTY CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Board of County Commissioners of Seminole County enacted Ordinance Number 2001-21 which adopted the Vision 2020 Seminole County Comprehensive Plan ("the Plan"); and

**WHEREAS**, the Board of County Commissioners has followed the procedures set forth in Sections 163.3184 and 163.3187, Florida Statutes, in order to further amend certain provisions of the Plan as set forth herein relating to a Small Scale Development Amendment; and

**WHEREAS**, the Board of County Commissioners has substantially complied with the procedures set forth in the Implementation Element of the Plan regarding public participation; and

**WHEREAS**, the Seminole County Land Planning Agency held a Public Hearing, with all required public notice, on November 3, 2004, for the purpose of providing recommendations to the Board of County Commissioners with regard to the Plan amendment set forth herein; and

**WHEREAS**, the Board of County Commissioners held a Public Hearing on December 14, 2004, with all required public notice for the purpose of hearing and considering the recommendations and comments of the general public, the Land Planning Agency, other public agencies, and other jurisdictions prior to final action on the Plan amendment set forth herein; and

**WHEREAS**, the Board of County Commissioners hereby finds that the Plan, as amended by this Ordinance, is internally consistent, is consistent and compliant with the provisions of State law including, but not limited to, Part II, Chapter 163, Florida Statutes, the State Comprehensive Plan, and the Strategic Regional Policy Plan of the East Central Florida Regional Planning Council, based upon the "Tuskawilla Road Small Scale Land Use Amendment and Rezone Staff Report."

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. RECITALS/LEGISLATIVE FINDINGS:

- (a) The above recitals are true and correct in form and include legislative findings which are a material part of this Ordinance.
- (b) The Board of County Commissioners hereby determines that the economic impact statement referred to by the Seminole County Home Rule Charter is unnecessary and waived as to this Ordinance.

Section 2. AMENDMENT TO COUNTY COMPREHENSIVE PLAN FUTURE LAND USE DESIGNATION:

- (a) The Future Land Use Element's Future Land Use Map as set forth in Ordinance Number 2001-21, as previously amended, is hereby further amended by



amending the future land use designation assigned to the property which is depicted on the Future Land Use Map and further described below:

LEGAL DESCRIPTION ATTACHED AS EXHIBIT "A"

<u>Amendment Number</u>	<u>Amendment</u>
05.04SS.02	Amendment from Low Density Residential to Office

- (b) The associated rezoning request was completed by means of Ordinance Number 2004-\_\_\_\_.

Section 3. SEVERABILITY:

If any provision of this Ordinance or the application to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are declared severable.

Section 4. EXCLUSION FROM COUNTY CODE/CODIFICATION:

- (a) It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall not be codified into the Seminole County Code, but that the Code Codifier shall have liberal authority to codify this Ordinance as a separate document or as part of the Land Development Code of Seminole County in accordance with prior directions given to said Code Codifier.

- (b) The Code Codifier is hereby granted broad and liberal authority to codify and edit the provisions of the Seminole County Comprehensive Plan, as amended.

Section 5. EFFECTIVE DATE:

(a) A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66 and 163.3187, Florida Statutes.

(b) This Ordinance shall take effect upon filing a copy of this Ordinance with the Department of State by the Clerk of the Board of County Commissioners; provided, however, that the effective date of the Plan amendment set forth herein shall be thirty-one (31) days after the date of enactment by the Board of County Commissioners or, if challenged within thirty (30) days of enactment, when a final order is issued by the Florida Department of Community Affairs or the Administration Commission determining that the amendment is in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land use dependent on an amendment may be issued or commence before an amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, the affected amendment may nevertheless be made effective by the Board of County Commissioners adopting a resolution affirming its effective status, a copy of which resolution shall be provided to the Florida Department of Community Affairs, Bureau of Local Planning, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399-2100 by the Clerk of the Board of County Commissioners.

ENACTED this 14<sup>th</sup> day of December, 2004.

BOARD OF COUNTY COMMISSIONERS  
OF SEMINOLE COUNTY, FLORIDA

By: \_\_\_\_\_



## EXHIBIT A LEGAL DESCRIPTION

### Legal Description

Beginning 710.0 feet North and 38.5 feet East of the Southeast corner of the Southwest 1/4 of the Southeast 1/4 of Section 24, Township 21 South, Range 30 East, said point being on the Westerly right-of-way of Tuskawilla Road; thence run Northerly along said Westerly right-of-way 250 feet to the center line of canal; thence Westerly along the center line of canal 522.7 feet; thence South to a point being 522.7 feet West of the Point of Beginning; thence East to the Point of Beginning, all lying and being situate in Seminole County, Florida.

LESS AND EXCEPT: Commence at the Southeast corner of the Southwest 1/4 of the Southeast 1/4 of Section 24, Township 21 South, Range 30 East, Seminole County, Florida; thence run North 00°20'23" East along the East line of said Southwest 1/4 of the Southeast 1/4 a distance of 710.01 feet to the North line of the South 71.0 feet of said Southwest 1/4 of the Southeast 1/4; thence run South 89°18'04" East parallel with the South line of the Southeast 1/4 of said Section 24 a distance of 25.85 feet to the Point of Beginning on the existing West right-of-way line of Tuskawilla Road as shown on the right-of-way Map of Seminole County Project No. PS-041, Tuskawilla Road; thence run North 89°18'04" West 48.9 feet to a point on a curve concave Westerly, having a radius of 7580.53 feet and a chord bearing of North 02°24'10" East; thence run Northerly along the arc of said curve 94.89 feet through a central angle of 00°43'02"; thence run North 01°56'58" East 25.03 feet; thence run South 89°43'36" West 30.00 feet; thence run North 00°16'24" West 150.0 feet to the center line of Howell Creek and also the North boundary of the Parcel of land described in the Warranty Deed recorded in O.R. Book 1321 Page 1442, Public Records of Seminole County, Florida; thence run the following three courses and distances along said center line and the North boundary of said Parcel; run North 64°56'31" East 19.5 feet; thence run South 55°42'06" East 68.00 feet; thence run North 64°56'31" East 29.37 feet to the West line of the Southeast 1/4 of the Southeast 1/4 of said Section 24 and said existing West right-of-way line of Tuskawilla Road; thence, departing the center line of Howell Creek and the North boundary of said Parcel run the following four courses and distances along said existing West right-of-way line; run North 00°20'23" East along said West line of the Southeast 1/4 of the Southeast 1/4 a distance of 26.45 feet to the South line of the North 1/2 of the North 1/2 of said Southeast 1/4 of the Southeast 1/4; thence run South 89°18'23" East along said South line of the North 1/2 of the North 1/2 of the Southeast 1/4 of the Southeast 1/4 a distance of 26.54 feet; thence run South 00°16'24" East 182.93 feet to a point on a curve concave Westerly, having a radius of 1248.24 feet and a chord bearing of South 01°55'24" West; thence run Southerly along the arc of said curve 85.72 feet through a central angle of 04°23'37" to the Point of Beginning, containing therein 23,976 square feet more or less.

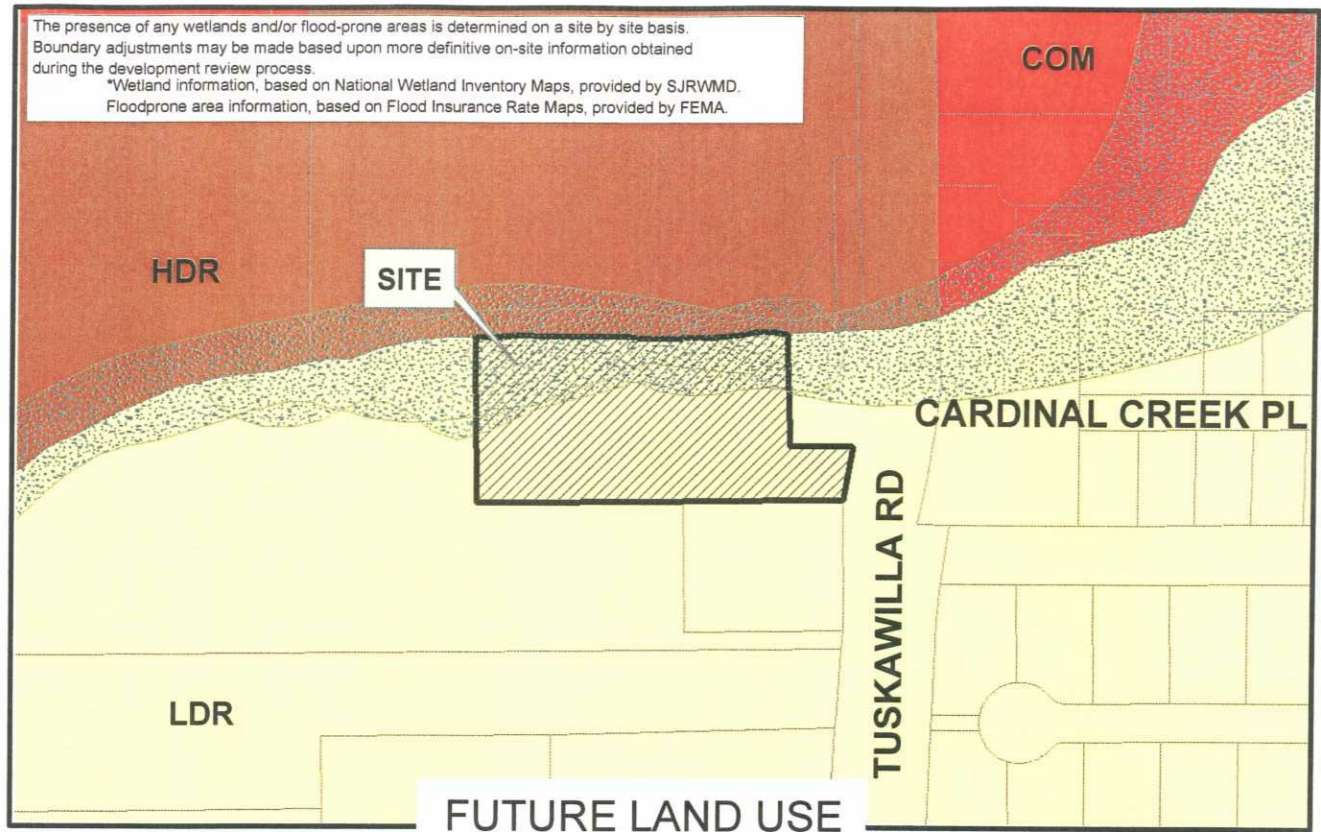
Community Number: 12028; Panel: 0145

Suffix: E F.I.R.M. Date: 4/17/1995 Flood Zone: X

Field Work: 8/10/2000 Completed: 8/11/2000



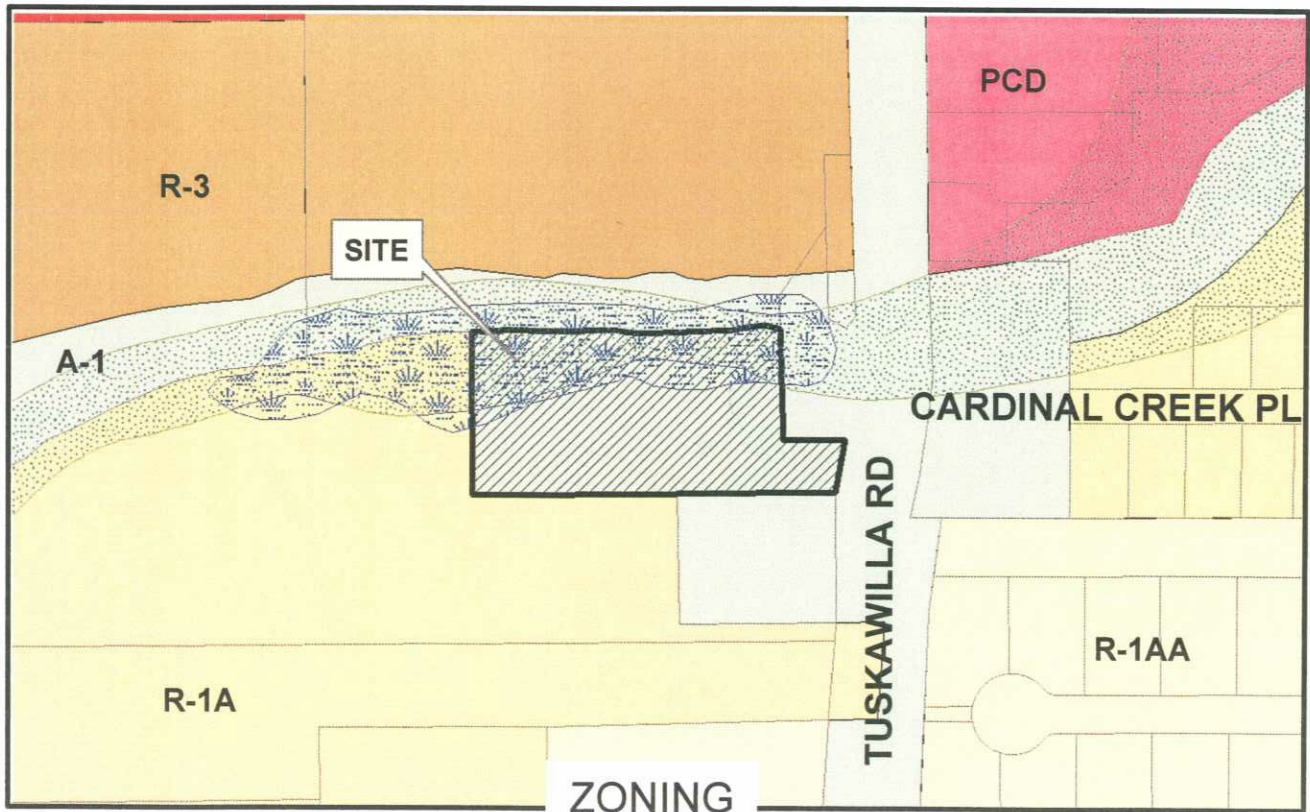
The presence of any wetlands and/or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.  
 \*Wetland information, based on National Wetland Inventory Maps, provided by SJRWMD.  
 Floodprone area information, based on Flood Insurance Rate Maps, provided by FEMA.



Site LDR HDR COM CONS

Applicant: Richard Rubinstein  
 Physical STR: 24-21-30-300-0190-0000  
 Gross Acres: +/- 2 BCC District: 1  
 Existing Use: Professional Building  
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	05-04SS.02	LDR	OFF
Zoning	Z2004-019	A-1	OP



A-1 R-1AA R-1A R-3 PCD FP-1 W-1





Amendment No: 05-04SS.02  
 From: LDR To: OFF  
 Rezone No: Z2004-019  
 From: A-1 To: OP

☐ Parcel  
☒ Subject Property



February 1999 Color Aerials